


RECEIVED

JAN 13 2017 

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
Marks v. Takeda Pharmaceuticals
North America, Inc., et al
Civil Action No. 6:12-cv-00790

MAGISTRATE JUDGE HANNA

RULING

Magistrate Judge Patrick Hanna filed a Report and Recommendation [Rec. Doc. 254; MDL Rec. Doc. 6643] in the captioned matter on November 28, 2016, in which he recommended that this Court dismiss the claims of plaintiff Joyce Marks without prejudice, due to the plaintiff's failures to prosecute her case and comply with the rules of this Court. For the reasons given below, this Court adopts the Report and Recommendation and dismisses the plaintiff's claims without prejudice.

As set out in the Report and Recommendation, Ms. Marks is currently unrepresented. While she was still represented, Ms. Marks' former counsel filed a motion to withdraw [Rec. Doc. 205]. In response, Magistrate Judge Hanna ordered Ms. Marks to appear in court on October 28, 2014 [Rec. Doc. 209], which she did not do, despite confirmed notice by certified mail [Rec. Docs. 213, 214, 217, 221]. The motion to withdraw was granted, and Magistrate Judge Hanna ordered Ms. Marks to appear in court on November 25, 2014 [Rec. Docs. 213, 214]. While Ms. Marks accepted delivery of the order by certified mail [Rec. Doc. 220], she did not appear as ordered [Rec. Doc. 226]. Thereafter, Ms. Marks was ordered to appear in court on March 16, 2016 [Rec. Doc. 247]. A copy of that order was sent to Ms. Marks by certified mail, but was returned

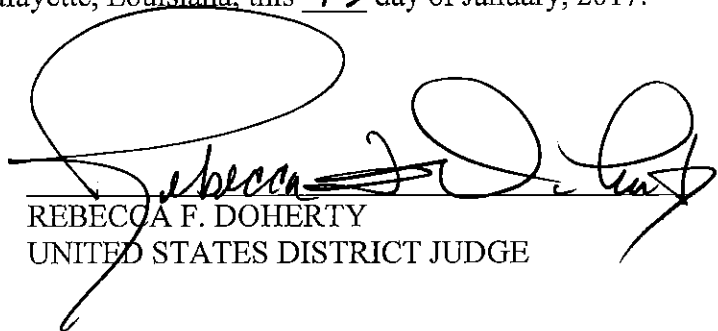
unclaimed [Rec. Doc. 249], and Ms. Marks did not appear in court as ordered [Rec. Doc. 251]. Ms. Marks' former counsel indicated an inability to contact Ms. Marks [Rec. Doc. 252]. Given the inability to reach Ms. Marks, and the lack of forward progress in this matter, Magistrate Judge Hanna concluded that Ms. Marks has not kept the court apprised of her current address, as required by Local Rule 11.1(1), and has failed to prosecute her claims. Magistrate Judge Hanna therefore issued a Report and Recommendation, recommending that this Court dismiss this matter without prejudice [Rec. Doc. 254; MDL Rec. Doc. 6643]. That Report and Recommendation was, similarly, sent by certified mail and returned unclaimed [Rec. Doc. 256].

Considering the facts described above, that the court attempted to serve Ms. Marks at the address on file, that parties have an ongoing obligation to maintain current contact information with this Court, and that no objections to the Report and Recommendation have been lodged in the time allotted therefor, this Court hereby adopts Magistrate Judge Hanna's Report and Recommendation.

IT IS HEREBY ORDERED the claims of Joyce Marks are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Ms. Marks at her last known address, 47195 Jenkins Rd., Franklinton, LA 70438, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 13 day of January, 2017.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE